REGULATION (EEC) No 2149/73 OF THE COMMISSION

of 3 August 1973

opening an invitation to tender for the mobilization of common wheat as aid for the Kingdom of Morocco, the Eastern Republic of Uruguay, the Republic of Chile, and Malta

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 120/67/EEC [1] of 13 June 1967 on the common organization of the market in cereals, as last amended by Regulation (EEC) No 1346/73 [2];

Having regard to Council Regulation (EEC) No 1693/72 [3] of 3 August 1972 laying down the conditions for the mobilization of cereals as food aid, and in particular Article 6 thereof;

Whereas on 23 May 1972 the Council of the European Communities declared that by way of Community action it proposed to grant to the Kingdom of Morocco 25 000 tons of common wheat under the 1971/72 food aid programme; whereas on 14 May 1973 it declared that by way of Community action it proposed to grant to the Eastern Republic of Uruguay 10 000 tons of common wheat, to the Republic of Chile 20 000 tons of common wheat and to Malta 2 500 tons of common wheat, under the 1972/73 food aid programme;

Whereas examination of the State of the cereals market as regards intervention in Germany indicates that Article 3 (2) of Council Regulation (EEC) No 1693/72 should be given application, and in particular that the cereals stocked in the storage depots of the intervention agency of the abovementioned Member State should be mobilized and the terms of mobilization laid down;

Whereas, in the case of cereals held by intervention agencies, an invitation to tender must be issued in respect of the loading, transport and delivery cif, that is up to the point when presence of the goods in the ship's hold at the port of unloading is verified;

Whereas the intervention agency of the Member States concerned should be made responsible for organizing the invitation to tender;

Whereas contracts should be awarded to the tenderers who make the best offers;

Whereas it must be made clear who is to bear any costs which arise where *force majeure* makes it impossible for the operation in question to be completed within the time stipulated;

Whereas provision should be made for security to be given to guarantee fulfilment of the obligations arising by nature of participation in the invitation to tender;

Whereas the Commission must be informed without delay of the tenders submitted in response to the invitation and of those accepted by the intervention agency;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Cereals;

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender shall be issued, by way of Community food aid actions, for the supply of common wheat to:

— the Eastern Republic of Uruguay:	10 000	tons (lot No 1),
— the Republic of Chile:	20 000	tons (lot No 2),
— Kingdom of Morocco:	25 000	tons (lot No 3),
— Malta:	2 500	tons (lot No 4).

The tenders are in respect of loading, transport and delivery fob. The tendering procedure shall take place in the Federal Republic of Germany and shall be in respect of four separate lots.

2. The invitation to tender provided for in paragraph 1 shall be for the carriage in bulk of a quantity of wheat from the place of storage to the point of delivery fob that is the point at which the merchandise is deposited in the ship's hold at the port of embarkation.

3. The successful tenderers shall deliver the goods provided for in paragraph 1 fob at the ports specified in the Annex.

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[1] OJ No 117, 19. 6. 1967, p. 2269/67.
[2] OJ No L 141, 28. 5. 1973, p. 8.
[3] OJ No L 178, 5. 8. 1972, p. 3.

Article 2

The wheat shall be collected from the intervention agency of the Federal Republic of Germany, at the storage depots specified in the Annex.

Article 3

1. The award of tenderers shall take place on 17 August 1973.

2. The closing date for submission of tenders shall be 17 August 1973 at 12 noon.

3. The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not less than 10 days before the closing date for submission of tenders.

Article 4

Contracts shall be awarded to the tenderer or tenderers who offer the most favourable terms.

However, if it appears that the tenders submitted do not reflect normal market rates, the intervention agency may cancel the invitation to tender.

Article 5

1. The successful tenderer shall give security in an amount of 10 units of account per metric ton ; the purpose of such security is to guarantee performance of the operations specified in Articles 1 and 2. The security shall be forfeit if those operations are not carried out within the time stipulated, save as regards quantities not delivered by reason of *force majeure.*

2. The security provided for in paragraph 1 may be given in the form of a cash deposit or of a guarantee issued by a credit institution satisfying the criteria laid down by the Member States concerned.

Article 6

The common wheat to be supplied pursuant to Article 1 must be of sound, fair and marketable quality and correspond at least to the standard quality for which the intervention price is fixed, except that the moisture content shall not exceed 15 % and a maximum tolerance of 3 % in respect of sprouted grains and 1 % in respect of miscellaneous impurities shall be alloned.

Article 7

1. The intervention agency of the Federal Republic of Germany shall be responsible for organizing the invitation to tender provided for by this Regulation.

2. It shall forthwith communicate to the Commission a list of the firms which have responded to the invitation to tender, specifying the terms of each tender, together with the names and business names of the successful tenderers.

3. The intervention agency shall request the successful tenderers to supply the following information :

(a) after each shipment a certificate showing the quantities despatched and the quality of the products ;

(b) the date of departure of the ships.

The information indicated above shall be forwarded by the intervention agency to the Commission immediately upon receipt.

Article 8

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities.*

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 3 August 1973.

For the Commission

The President

François-Xavier ORTOLI

ANNEXE / ANHANG / ALLEGATO / BIJLAGE / BILAG / ANNEX

Numéro du lot Nummer der Lose Numero della partita Nummer van de partij Partiets nummer Number of lot	Port d'embarquement Verschiffungshafen Porto d'imbarco Haven van inlading Indskibningshavn Port of shipment	Tonnage à mettre en fob Nach fob zu bringende Menge Tonnellaggio da mettere in fob Fob aan te leveren hoeveelheid Mænge til levering fob Tonnage fob	Nom et adresse du stockeur Name und Adresse des Lagerhalters Nome e indirizzo del detentore Naam en adres van de entrepothouder Lagerindehaverens navn og adresse Address of store	Lieu de stockage Ort der Lagerhaltung Luogo di accantonamento Adres van de opslagplaats Lagerplads Town at which stored
1	Ports communautaires Gemeinschaftshäfen Porti comunitari Havens van de Gemeenschap Fællesskabshavne Community ports	10 000 t dont : davon : di cui : waarvan : deraf : whereof :		
		1 029	Bayer. Lagerversorgung GmbH u. Co. München, Zst 875 Aschaffenburg Goldbacher Straße 110	Aschaffenburg
		42	Rhenania, Schiff. u. Sped. GmbH 875 Aschaffenburg Wertstraße 1	Aschaffenburg
		1 200	Lag. Betrieb Lechfeldmühle, W. Plössl 89 Augsburg 41 Postfach 11	Augsburg
		961	Bayer. Lagervers. GmbH u. Co. München, Zst 858 Bayreuth 5 Postfach 902	Bamberg
		991	Bayer. Lagervers. GmbH u. Co. München, Zst 858 Bayreuth Postfach 902	Bayreuth
		115	Hans Egger KG 8058 Erding Postfach 89	Erding
		1 000	Forstinger Lag. u. Sped. Ebersberg 8019 Ebersberg Postfach 41	Forsting
		600	J.B. Stierstorfer 8442 Geiselhöring Postfach 21	Geiselhöring
		47	J.B. Stierstorfer 8442 Geiselhöring Postfach 21	Geiselhöring
		1 850	G.G. Vogelmaier U.S. 838 Landau Postfach 123	Landau
		317	Moosburger Lag. Betr. u. Sped. Braun KG 8052 Moosburg Postfach 268	Moosburg

Numéro du lot / Nummer der Lose / Numero della partita / Nummer van de partij / Partiets nummer / Number of lot	Port d'embarquement / Verschiffungshafen / Porto d'imbarco / Haven van inlading / Indskibningshavn / Port of shipment	Tonnage à mettre en fob / Nach fob zu bringende Menge / Tonnellaggio da mettere in fob / Fob aan te leveren hoeveelheid / Mænge til levering fob / Tonnage fob	Nom et adresse du stockeur / Name und Adresse des Lagerhalters / Nome e indirizzo del detentore / Naam en adres van de entrepothouder / Lagerindehaverens navn og adresse / Address of store	Lieu de stockage / Ort der Lagerhaltung / Luogo di accantonamento / Adres van de opslagplaats / Lagerplads / Town at which stored
		652	Bayer. Lagerversorgung GmbH u. Co. München, Zst München-Feldm. 8 München 50 Ponkratzstraße 1	München
		432	Bayer. Lagerversorgung GmbH u. Co. München, Zst München-Feldm. 8 München 50 Ponkratzstraße 1	München
		764	Reitberger u. Schüssler Lag. u. Sped. 87 Würzburg 2 Postfach 861	Nürnberg
2		20 000 t dont : davon : di cui : waarvan : deraf : whereof :		
		590	Lagereibetrieb Hettenshausen 8900 Augsburg 41 Postfach 11	Hettenshausen
		1 007	Viktor Seifert 8700 Würzburg 2 Postfach 1173	Würzburg
		2 643	Vereinigte Landwarenkaufleute in Süddeutschland, Lagerland, EGmbH 8000 München 2 Postfach 202 509	Weiden
		1 000	Heinrich Jungmayer OHG 8442 Geiselhöring Dingolfinger Straße 26	Geiselhöring
		1 500	Leonhard Engert OHG 8701 Herrnberchtheim Am Bahnhof 87	Gnötzheim
		1 000	Baspeg, Bamberger Sped. u. Getreidelager GmbH u. Co. KG 1000 Bamberg Mainstraße 4	Lichtenfels
		1 000	Josef Scherer sen. 8905 Mering Augsburger Straße 40	Mering
		840	Ges. f. Lagereibetriebe mbH 85 Nürnberg Laufer Torgraben 8	Rosenheim
		800	dto.	Wiesau
		800	dto.	Wiedersbach
		821	dto.	Weißenburg
		847	dto.	Ochsenfurt
		800	dto.	Plattling
		700	dto.	Reichertshofen
		728	dto.	Seubelsdorf

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		818	Andr. Schweyer KG 8938 Buchloe Ladehof 2-4	Buchloe
		287	Baywa AG 8000 München 1 Postfach 590	Straubing
		1 297	dto.	Wallersdorf
		750	Ges. f. Lagereibetriebe mbH 8500 Nürnberg Laufer Torgraben 8	Töging
		582	dto.	Pfarrkirchen
		1 000	Manfr. Stierstorfer 8442 Geiselhöring Stadtplatz 1 A	Geiselhöring
		190	Reitberger u. Schüssler Lagerhs. u. Sped. 8700 Würzburg 2 Postfach 861	Bergtheim
3		25 000 t		
		dont :		
		davon :		
		di cui :		
		waarvan :		
		deraf :		
		whereof :		
		98	Udenia NV Rotterdam Veerhaven 14/15	Rotterdam-Zuid
		2 150	Westfälische Transport-AG 698 Wertheim/Bestenheid Mainhafen — Postfach 1222	Wertheim
		2 850	Silo u. Lagerei GmbH 71 Heilbronn Gottl.-Daimler-Straße 25	Heilbronn
		36	Städt. Lagerhaus u. Umschlagbetrieb 86 Bamberg Lagerhausstraße 6	Bamberg
		103	dto.	Bamberg
		12	dto.	Bamberg
		750	Vilstal-Silo 8316 Frontenhausen-Feldmühle über Landshut/Bayern	Frontenhausen
		500	Bayer. Lagerversorgung GmbH u. Co München, Zst 858 Bayreuth 5 Postfach 902	Grafenwöhr

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		500	Josef Prinz Landw. Lghs. u. Lag.-Betrieb 8311 Marklkofen über Landshut-Bayern	Marklkofen/Ndb.
		324	Bayer. Lagerversorgung GmbH u. Co. München, Zst 84 Regensburg Donaustauferstraße 257	Regensburg
		644	Stadtlagerhaus Regensbg. GmbH 84 Regensburg Wiener Straße 30 231	Regensburg
		231	dto.	Regensburg
		626	dto.	Regensburg
		310	dto.	Regensburg
		1 023	Nürlag, Nürnberger Umschl. u. Lghs. Ges. mbH u. Co. KG 85 Nürnberg Dianastraße 104	Schwabach
		700	Stefan Meister Getreidelghs. 854 Schwabach Postfach 1542	Schwabach
		1 352	Ges. f. Lagereibetr. mbH, Zst. 85 Nürnberg Laufer Torgraben 8	Schwandorf
		500	dto.	Wildflecken
		3 488	Hans Ertl OHG 84 Regensburg Landshuter Straße 8	Ingolstadt
		600	Ges. f. Lagereibetr. mbH, Zst. 85 Nürnberg Laufer Torgraben 8	Altötting
		750	dto.	Dachau
		700	dto.	Forchheim
		600	dto.	Freising
		800	dto.	Gersthofen
		600	dto.	Kaufering
		600	dto.	Lindau
		600	dto.	Niederlindhart
		1 045	dto.	Nördlingen
		1 000	Lag.-Betrieb 8068 Hettenshausen, Post Pfaffenhofen/Ilm	Hettenshausen
		1 000	Josef Kellermeier KG 8495 Roding/Opf. Falkensteiner Straße 1	Roding/Opf.
		508	Bayer. Lagervers. GmbH u. Co. 8 München 8 Orleansstraße 6	Großaitingen

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4		2 500 t dont : davon : di cui : waarvan : deraf : whereof :		
		849	Rhenus AG 32 Hildesheim Postfach 108	Bornum
		1 651	Rhenus AG 32 Hildesheim Postfach 108	Rhumspringe